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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION
12

13 UNITED STATES OF AMERICA,)

14 Plaintiff,)

15 v.)

16 JOHN GERINGER,)
17 CHRISTOPHER LUCK, and)
18 KEITH RODE,)

19 Defendants.)
20

No. CR 12-00888-DLJ

STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME FROM
JANUARY 17, 2013 TO FEBRUARY
7, 2013 FROM THE SPEEDY TRIAL
ACT CALCULATION (18 U.S.C. §
3161(h)(7)(A))

21 On January 17, 2013, the parties appeared for a hearing before this Court. At that
22 hearing, the government and defense requested an exclusion of time under the Speedy Trial Act
23 based upon continuity of counsel as well as each defense counsel's need to effectively prepare
24 by reviewing discovery materials provided by the government. At that time, the Court set the
25 matter for a hearing before Judge Lloyd on February 7, 2013.

26 The parties stipulate that the time between January 17, 2013 and February 7, 2013 is
27 excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the
28 requested continuance would unreasonably deny defense counsel reasonable time necessary for
effective preparation, taking into account the exercise of due diligence. Finally, the parties agree

FILED

JAN 22 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1 that the ends of justice served by granting the requested continuance outweigh the best interest of
2 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18
3 U.S.C. §3161(h)(7)(A).
4

5 DATED: January 22, 2013

MELINDA HAAG
United States Attorney

6
7 /s/
8 Jeff Schenk
Assistant United States Attorney

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10 /s/
11 Wm. Michael Whelan
Attorney for Mr. Geringer

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13 /s/
14 Jeanne DeKolver
Jahan Raissi
Attorneys for Mr. Luck

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16
17 /s/
18 Mark Arnold
Attorney for Mr. Rode

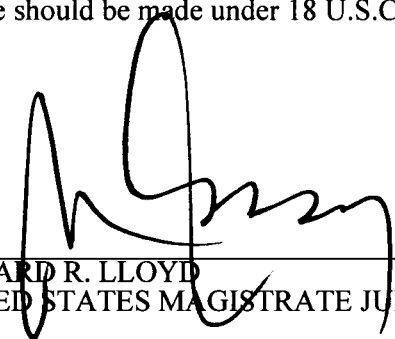
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2 **ORDER**

3 Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY
4 ORDERS that the time between January 17, 2013 and February 7, 2013 is excluded under the
5 Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested
6 continuance would unreasonably deny defense counsel reasonable time necessary for effective
7 preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that
8 the ends of justice served by granting the requested continuance outweigh the best interest of the
9 public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The
10 court therefore concludes that this exclusion of time should be made under 18 U.S.C.
11 §3161(h)(7)(A).

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13 IT IS SO ORDERED.

14 DATED:

15 1/22/13

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HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE